

DISPOSITION: October 14, 1953. The defendant having entered a plea of nolo contendere, the court fined it \$1,000 on each count, a total fine of \$6,000.

20568. Adulteration of dried apples. U. S. v. 83 Boxes * * *. (F. D. C. No. 35464. Sample No. 65471-L.)

LIBEL FILED: August 25, 1953, District of North Dakota,

ALLEGED SHIPMENT: From San Francisco, Calif., on an unknown date.

PRODUCT: 83 50-pound boxes of dried apples at Fargo, N. Dak., in the possession of the Fargo Food & Equipment Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent and insect excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 14, 1953. The consignee of the product having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

VEGETABLES AND VEGETABLE PRODUCTS

20569. Adulteration and misbranding of canned peas. U. S. v. 17 Cases * * *. (F. D. C. No. 35469. Sample No. 47463-L.)

LIBEL FILED: August 28, 1953, Northern District of Alabama,

ALLEGED SHIPMENT: On or about July 15, 1953, by the Athens Canning Co., from Athens, Ga.

PRODUCT: 17 cases, each containing 24 cans, of peas at Birmingham, Ala.

LABEL, IN PART: (Can) "Homefolk Brand Green Fresh Shelled Purple Hull Peas * * * Contents 15 Oz. Avoir."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of purple hull peas and dry soaked black-eyed peas had been substituted for fresh shelled purple hull peas.

Misbranding, Section 403 (a), the label statement "Fresh Shelled Purple Hull Peas" was false and misleading as applied to a mixture of purple hull peas and dry soaked black-eyed peas.

DISPOSITION: September 29, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution for its use.

20570. Adulteration of dried yellow split peas and dried black-eyed peas. U. S. v. 17 Bags, etc. (F. D. C. No. 35387. Sample Nos. 2586-L, 2587-L.)

LIBEL FILED: August 13, 1953, Southern District of Florida.

ALLEGED SHIPMENT: On or about November 25, 1950, and January 12, 1953, from Crows Landing, Calif., and Kimberly, Idaho.

PRODUCT: 17 100-pound bags of dried yellow split peas and 16 100-pound bags of dried black-eyed peas at Jacksonville, Fla.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 4, 1953. Default decree of condemnation. The court ordered that the articles be delivered to a Federal institution, for use as animal feed.

20571. Misbranding of carrot juice and celery juice. U. S. v. 21 Cases, etc.
(F. D. C. No. 35281. Sample Nos. 18633-L, 18634-L.)

LIBEL FILED: June 10, 1953, District of Arizona.

ALLEGED SHIPMENT: On or about April 20 and May 13, 1953, by the Hain Pure Food Co., from Los Angeles, Calif.

PRODUCT: 21 cases, each containing 24 12-ounce cans, of carrot juice, and 10 cases, each containing 24 12-ounce cans, of celery juice at Phoenix, Ariz.

LABEL, IN PART: (Can) "Hain Pure Carrot [or "Celery"] Juice."

NATURE OF CHARGE: Misbranding, Section 403 (a), the statement "Processed In Accordance With Regulations of U. S. Department of Agriculture" appearing on the labels of the articles was false and misleading. This statement represented and suggested that the articles were prepared and processed under the supervision of the U. S. Department of Agriculture Inspection Service, or under regulations of that Department. The articles were not prepared or processed under the supervision of the U. S. Department of Agriculture Inspection Service, nor in accordance with regulations of that Department since it had issued no such regulations.

DISPOSITION: October 28, 1953. Default decree of condemnation. The court ordered that the products be delivered to charitable institutions.

TOMATOES AND TOMATO PRODUCTS

20572. Adulteration of canned tomatoes. U. S. v. 157 Cases * * *. (F. D. C. No. 35299. Sample No. 57385-L.)

LIBEL FILED: On or about June 8, 1953, District of Maryland.

ALLEGED SHIPMENT: On or about April 6, 1953, by Hungerford Packing Co., Inc., from Hungerford, Pa.

PRODUCT: 157 cases, each containing 24 cans, of tomatoes at Baltimore, Md.

LABEL, IN PART: (Can) "Fre-Mar Brand Contents 1 Lb. 3 Oz. Hand Packed Whole Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material, and of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: July 6, 1953. Default decree of condemnation and destruction.

20573. Adulteration of tomato juice. U. S. v. 2,029 Cases * * *. (F. D. C. No. 35060. Sample No. 62913-L.)

LIBEL FILED: May 22, 1953, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 19 and March 31, 1953, by the G. S. Suppiger Co., from Shirley, Ind.

PRODUCT: 2,029 cases, each containing 12 1-quart, 14-ounce cans, of tomato juice at Desloge, Mo.

LABEL, IN PART: (Can) "Brooks Tomato Juice."